S.B.Civil Writ Petition No.5599/2004

Navlakha Tent House
vs

The District Judge, Pali & Ors.

DATE OF ORDER : - 13.12.2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. B.K.Vyas, for the petitioner.

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Heard learned counsel for the petitioner.

It appears that the trial court vide order dated 6th Oct., 2004 held that the petitioner cannot use the residential plots nos.234 and 245 as commercial plots and because of the activities of the petitioner it is causing the nuisance to the residents of the locality. The trial court passed the injunction order against the petitioner restraining the petitioner from using the said plots for commercial purposes and further restrained the petitioner from taking the goods from those plots by use of truck etc. The appellate court dismissed the appeal of the appellant-petitioner with light modification, but the order of injunction was passed against the petitioner restraining the petitioner from taking the goods to and fro the said plots by tractor and truck etc and further restrained the petitioner from putting any goods in the area of public park and roads.

I do not find any illegality in the orders passed by the two courts below. Hence, the writ petition filed by the petitioner is dismissed. However, it is made clear that petitioner may with the permission of the appropriate authority for entry of vehicle like truck, bring the truck only for the purpose of removing the goods from the said plots and not for other purposes without causing any nuisance to the plaintiffs. The process of removal of goods may be completed by the petitioner within a period of one month from today.

(Prakash Tatia), J.

c.p.goyal/-